

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVISON DESIGN &)	
DEVELOPMENT, INC.,)	
)	
Plaintiff,)	
)	No.
v.)	
)	
MARIO SCORZA,)	
)	
Defendant.)	

Exhibit 3

February 15, 2023 Claimant's Application for Fees and Costs

**BEFORE THE TRIBUNALS OF
THE AMERICAN ARBITRATION ASSOCIATION**

MARIO SCORZA,
Claimant,

V.

DAVISON DESIGN AND
DEVELOPMENT, INC.
Respondent

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CASE NO. 01-21-0004-6369

CLAIMANT’S APPLICATION FOR FEES AND COSTS

**I
Materials Submitted**

Claimant, Mario Scorza, (hereafter “Claimant” or “Scorza”) submits the following materials in support of this, his Application for Fees and Costs:

- **Exhibit 1** – Affidavit of Stacey L. Barnes
- **Exhibit 2** –Barnes CV
- **Exhibit 3** – Kearney McWilliams & Davis PLLC Invoices

**II
Statutory Basis for an Award of Fees and Costs**

Claimant seeks an award of attorney’s fees and costs for prosecution of this arbitration proceeding pursuant to the Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”). The Pennsylvania UTPCPL states:

Any person who purchases or leases goods or services primarily for personal, family or household purposes and thereby suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by any person of a method, act or practice declared unlawful by section 3 of this act, may bring a private action to recover actual damages or one hundred dollars (\$100), whichever is greater. The court may, in its discretion, award up to three times the actual

damages sustained, but not less than one hundred dollars (\$100), and may provide such additional relief as it deems necessary or proper. **The court may award to the plaintiff, in addition to other relief provided in this section, costs and reasonable attorney fees.**

72 Pa. Stat. § 201-9.2(a) (emphasis added).

The AAA Commercial Rules specifically allow for the award of attorneys' fees if "it is authorized by law or their [the Parties'] arbitration agreement." AAA Comm. Arb. R. R-47(d)(ii). An award of costs and expenses is similarly provided for by the Rules. *Id.* R-54.

Claimant shall provide to the Tribunal further briefing on the merits of his Pennsylvania UTPCPL claims, as well as his entitlement to an award of trebled damages in his Post-Hearing Brief.

Claimant requests the Tribunal to award him his reasonable and necessary attorneys' fees, costs, and expenses, pursuant to the applicable law and the AAA Rules. Claimant further requests an award of any and all further remedies, either at law or in equity, to which he may show himself justly entitled.

Respectfully Submitted,

/s/ Stacey L. Barnes

Stacey L. Barnes

sbarnes@kmd.law

William Yarbrough

wyarbrough@kmd.law

Vikesh Patel

vpatel@kmd.law

KEARNEY, MCWILLIAMS & DAVIS, PLLC

55 Waugh, Suite 150

Houston, Texas 77007

Phone: (713) 936-9620

Fax: (713) 936-9321

Attorneys for Claimant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 15, 2023, a true and correct copy of the foregoing instrument was served upon the following counsel of record:

Justin T. Barron
BARRON LAW OFFICE LLC
P. O. Box 493
Valencia, PA 16059
jbarron@justinbarronlaw.com
Attorney for Respondent

Via E-mail and AAA Filing System

/s/ Stacey L. Barnes
Stacey L. Barnes

AMERICAN ARBITRATION ASSOCIATION

MARIO SCORZA,*Claimant,***v.****DAVISON DESIGN AND
DEVELOPMENT, INC.,***Respondent.*
§
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AAA No.: 01-21-0004-6369

**AFFIDAVIT OF STACEY L. BARNES IN SUPPORT OF CLAIMANT'S
PETITION FOR ATTORNEYS' FEES AND COSTS OF THE ARBITRATION**

I, Stacey L. Barnes, am an adult citizen of the State of Texas and am competent to testify as to the following matters based upon personal knowledge.

1. My name is Stacey L. Barnes, I am of sound mind, over twenty-one (21) years of age, have never been convicted of a felony or misdemeanor involving moral turpitude, and am personally acquainted with the facts herein stated and they are true and correct. I am a Senior Attorney of Kearney, McWilliams & Davis, PLLC ("the Firm") with office located at 55 Waugh Drive, Houston, Texas 77007. I received my J.D. from the University of Houston in 1998.
2. For the past 24 years, my practice has consisted mainly of civil litigation and business transactions, including arbitration, commercial litigation, intellectual property and technology disputes, international business, as well as other civil trial matters. I am familiar with the types of fees, costs, and expenses incurred in complex, sophisticated matters such as this one.
3. I have been practicing continuously throughout the country in both state and federal courts, as well as before arbitration tribunals since 1998. I also have served as an arbitrator, as a member of AAA, ICDR and FINRA arbitration panels, in arbitrations seated across Texas and in other major cities. I am familiar with the level of practice, as well as the charges and the costs associated with the claims raised, in this and similar arbitration proceeding over this period of time. I am familiar with the rates charged in my locality, as well as in other major legal markets across the United States. As an attorney with over 24 years of experience, and as a Senior Attorney of Kearney, McWilliams & Davis, PLLC, I charge \$425.00 an hour for legal services of the nature relating to this matter. Our associate attorneys charge \$215.00 - \$425.00 an hour for legal services.
4. I serve as lead counsel for Claimant Mario Scorza (hereinafter "Claimant") in the above-captioned arbitration. A true and correct copy of my CV is attached as an exhibit to this Affidavit. **(Exhibit 2)**

5. This complex, commercial arbitration sought to recover damages related to the loss of profits, and the value of an intention, new intellectual property, as well as loss of patent right.
6. Respondent denied liability completely and took the position that Claimants should “take nothing,” as well as asserting multiple legal and factual defenses. In doing so, Respondents required Claimant to prove each and every material element of their case in this highly complex matter. Respondent also sought procedural orders excluding expert testimony and strike Claimant’s expert witness and his opinions on damages. Respondent also refused to engage in any meaningful settlement negotiations, foreclosing any ability to resolve this matter prior to a Hearing on the Merits.
7. Attached hereto as **Exhibit 3** are detailed invoices containing the time, work, and description of the work performed on this case by the Firm's attorneys or paralegals. The invoices contain the amount of time and description of the work performed for the actual billing entries created in the normal course of business by the Firm on or about the date of each invoice. The billing entries in the invoices were entered by Firm attorneys or paralegals contemporaneous with the date of entry.
8. I was assisted by other attorneys with lower billing rates in an effort to minimize fees. The rates of the Firm's attorneys working on the case ranged from \$215.00 to \$425.00 per hour. The Firm's attorneys and their rates are as follows:

ATTORNEYS	INITIALS	TIMEFRAME	HOURLY RATE
Stacey L. Barnes	SLB	01/01/21 – 12/31/21	\$400.00
		01/01/22 – 01/31/23	\$425.00
Bradley A. Nevills	BAN	01/01/21 – 12/31/21	\$300.00
William “Trey” Yarbrough III	WCY	01/01/21 – 12/31/21	\$400.00
		01/01/22 – 01/31/23	\$425.00
LAW CLERKS	INITIALS	TIMEFRAME	HOURLY RATE
Harrison Long	HGL	01/01/21 – 12/31/21	\$100.00
Vikesh N. Patel	VNP	01/01/22 – 04/30/22	\$100.00
		05/01/22 – 10/31/22	\$125.00
		11/01/22 – 01/31/23	\$215.00
PARALEGALS	INITIALS	TIMEFRAME	HOURLY RATE
Marisol Contreras	MC	10/01/21 – 12/31/21	\$125.00
		01/01/22 – 12/31/22	\$140.00
Andrea Cavazos	ADC	01/01/22 – 02/31/23	\$165.00
Shannon Frizzell	SVF	12/01/22 – 01/31/23	\$160.00

This rate is consistent with the rates regularly charged and collected by the Firm for attorney and paralegal work in other comparable cases.

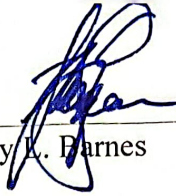
9. The rates charged reflect: the time, labor, novelty, difficulty, and skill required; the effect of working this case on other Firm employment; the fees charged in both this and other localities; the amount involved and results obtained; applicable time limitations; the nature and length of professional relationship; the experience, reputation, and ability of the lawyers; and the type of fee structure involved.
10. Litigation tasks were distributed according to the experience level of the attorneys, and our paralegal and other staff members were deployed appropriately. Some tasks required more than one attorney due to the complex nature of the legal issues or time constraints. However, Claimant's counsel were careful to avoid duplication.
11. Care was taken to include attorneys with lower billable rates to perform tasks commensurate with their experience such as research assignments, factual and legal investigations, and drafting the first draft of certain pleadings, motions, correspondence, etc.
12. The hourly rates charged by the Firm's attorneys in this litigation are consistent with the rates regularly charged and collected by the Firm's attorneys in other comparable cases, as well as this locality and the locality of the seat of arbitration.
13. I am familiar with the hourly rates for Houston and Pittsburg area law firms comparable to the Firm. The Firm's attorneys are well-qualified, and their hourly rates are comparable to the prevailing market rates of attorneys practicing litigation and technology-related disputes in Houston. Based on my research and analysis of prevailing market rates in the community, the hourly rates charged by the Firm's attorneys and paralegal are moderately economical and less than the range of hourly rates charged by comparable attorneys in comparable cases. Rates at other firms in Houston or Pittsburg for similar staffing are equal to or greater than the rates the Firm charged.
14. In connection with this litigation, the Firm performed all of the tasks reasonably necessary to successfully prosecute Claimant's claims in this matter. The fees, costs, and expenses the Firm billed Claimant in connection with this litigation are consistent with the Firm's ordinary and customary billing practices in similar lawsuits. The fees incurred by the Firm in this litigation are reasonable and are consistent with the fees regularly incurred and collected by the Firm in other comparable cases.

15. Other organizational and logistical matters, including the preparation of paper exhibits, the arrangement of accommodations, and the like were performed primarily by administrative or non-attorney staff.
16. The Firm has billed Claimant for attorney's fees in the amount of \$61,008.00 through Dec 2022. Claimant has paid those fees and is expected to pay all future fees. Pending and unbilled charges including January and February and the Hearing on the Merits total \$79,440.50. We also project fees for the preparation of this fee application, and for post-Hearing briefing in the amount of \$19,450.00. Total attorneys' fees for this matter are thus projected to be \$159,898.50.
17. Our expert witness on patent law and procedure is Mr. Scott McBride. Mr. McBride has billed us and been paid in the amount of \$1,560.00. Mr. McBride informs us that he will also bill us \$14,040.00, for his time in preparation and testifying at the Hearing on the Merits. The Claimant has paid the expert witness for his fees and will be expected to pay for future fees. Total fees for this expert witness will be \$15,600.00.
18. Our expert witness on damages and economic modeling is Dr. Kenneth Lehrer. Dr. Lehrer has billed us and been paid in the amount of \$17,500.00. Dr. Lehrer informs us that he will also bill us \$3,000.00, for his time in preparation and testifying at the Hearing on the Merits. The Claimant has paid the expert witness for his fees and will be expected to pay for future fees. Total fees for this expert witness will be \$20,500.00.
19. The Firm seeks an award of arbitration related costs totaling \$64,125.55 as follows:

a. AAA Arbitration fees of	\$10,090.00
b. Arbitrator's compensation	\$16,090.00
<u>Costs/expenses related to the arbitration</u>	
c. Techson Re patentability search	\$900.00.
d. Peterson ADR, LLC Re full day mediation fee	\$1,800.00
e. Expert Witness J. Scott McBride	\$15,600.00
f. Expert Witness Dr. K. E. Lehrer	\$20,500.00
g. <u>Other expenses</u>	<u>\$45.55</u>
Total: \$64,125.55	

20. The Firm seeks an award of total fees and arbitration related costs totaling **\$224,024.05**. All the fees, costs and expenses incurred in this case were reasonable and necessary under the circumstances. The Firm did not mark-up any of the fees, costs, or expenses sought.

I SOLEMNLY SWEAR AND AFFIRM under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.



Stacey L. Barnes

Sworn to and subscribed before me on the 15th day of February, 2023 by Stacey L. Barnes.





Notary Public for the State of Texas

STACEY L. BARNES
Kearney, McWilliams & Davis, PLLC
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United States of America

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PROFILE

I am a litigation and transactional attorney, concentrating my practice in the area of international business law, general business representation, corporate law, commercial litigation and arbitration, and intellectual property law. As a transactional attorney, I counsel clients regarding a variety of business transactions, from basic entity formation, and shareholder agreements, to complex cross-border acquisitions or distribution and licensing agreements. As a litigator, I have experience with cases ranging from simple collection matters to patent and trademark infringement cases, international trade secret litigation, and breach of commercial contract cases. I have advised business clients on legal matters involving Canada, Mexico, St. Lucia, Italy, Germany, Great Britain, Ireland, France, Belgium, Netherlands, Luxembourg, Sweden, Malta, Russia, Central African Republic, Republic of the Congo, Ghana, Saudi Arabia, India, Malaysia, Singapore, South Korea and the United States. I have worked for business law firms in Houston, Texas and Milan, Italy. I am available for appointment as an arbitrator for commercial, international, securities, and intellectual property cases.

WORK HISTORY

Kearney, McWilliams & Davis, PLLC, Houston, Texas – Senior Attorney, 2018 - present
University of Debrecen, Hungary – Visiting Professor, 2015 - present

Partner, Lewis & Barnes, Houston, Texas, 2010-2018, Visiting Professor, Lazarski University, Poland, 2022; Visiting Professor, University of Silesia, Poland, 2022 and 2018; Visiting Professor, Jagiellonian University, Poland, 2020; Visiting Professor, University of Pardubice, Czech Republic, 2016; Adjunct Professor, South Texas College of Law, Houston, Texas, 2008-2014; Partner, Hanszen Laporte, Houston, Texas, 2007-10; Partner, Barnes & Associates, PLLC, Houston, Texas, 2003-07; Associate Attorney, Broemer & Associates, LLC, Houston, Texas, 2001-03; Associate Attorney/Law Clerk, London & Schaeffer, LLP, Houston, Texas, 1997-01; Law Clerk, Dobson & Pinci, Milano, Italy, 1996.

EDUCATION & ACADEMIC

University of Debrecen, Hungary – Visiting Professor, 2015-present
Courses Taught: International Sales of Goods, International Arbitration

Lazarski University, Poland – Visiting Professor, 2022
Courses Taught: International Business Transactions

University of Silesia, Poland – Visiting Professor, 2022 and 2018
Courses Taught: International Sales of Goods, International Merger, Acquisition, and Joint Venture Arbitrations

Jagiellonian University, Poland – Visiting Professor, 2020
Courses Taught: Use of American Arbitration Rules in Europe

University of Pardubice, Czech Republic – Visiting Professor, 2016
Courses Taught: International Sales of Goods

South Texas College of Law – Distinguished Lecturer/Adjunct Professor, 2008-2014
Courses Taught: International Sales & Arbitration, Arbitration Law
Coach: South Texas College of Law Vis international commercial arbitration team; South Texas College of Law Polish Court of Arbitration international commercial arbitration team; South Texas College of Law securities arbitration team; South Texas College of Law domestic commercial arbitration team

University of Houston Law School - Juris Doctorate (J.D.), *cum laude*, 1998
University of Texas at Austin - Bachelor of Arts (B.A.), National Merit Scholar and NASA Fellowship Scholar, 1990

BAR ADMISSION

- Supreme Court of Texas
- United States District Courts for the Northern, Western, Eastern and Southern Districts of Texas
- United States Court of International Trade
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Federal Circuit
- Appeared *pro hac vice* in state courts in Florida, Michigan and Montana, as well as United States District Courts for the Central District of California, District of Maryland, District of Utah, District of Wyoming, Southern District of Florida, and Eastern District of North Carolina

ARBITRATOR EXPERIENCE

Member of the AAA Commercial, ICDR, ICC, European Centre for Dispute Resolution, FINRA, and City of Houston arbitration rosters. Served as single arbitrator, wing arbitrator, and chair of commercial arbitration panels. Arbitration subjects included international commercial loan collateralization, international shipping and logistics employee leasing, oilfield stimulation services, employment administrative services, real estate development projects, commercial real estate loans, professional services fees, government contracting, corporate governance, minority shareholder freeze out,

corporate dissolution, business acquisition fraud, business acquisition representations and warranties, post-acquisition price adjustments, post-acquisition tax liability, commercial loan brokerage agreements, collateralized debt obligations, mutual fund administration, software service agreements, software royalties, breach of contract, breach of fiduciary duty, construction services, covenants not to compete, trade secrets, securities fraud, branch office contracts, and executive compensation cases. Served as chairman of arbitration panel for claims between two large international financial institutions for multiple acts of unfair competition, tortious interference with contract and violation of non-competition covenants. Served as chairman of multiple international arbitration panels for claims involving securities options contracts and commercial loan securitization.

ARBITRATION ADVOCACY EXPERIENCE

- Represented client in corporate dissolution of real estate company.
- Represented general contractor in multi-party international chemical plant construction arbitration. Obtained favorable confidential settlement for client.
- Represented trademark holder in international trademark licensing arbitration. Obtained emergency arbitrator injunction against international infringement and interference with licensing rights.
- Represented purchaser in medical services post-acquisition price adjustment arbitration. Obtained favorable settlement for client.
- Represented licensee in multi-party international software royalty arbitration proceeding. Obtained settlement with Chinese sub-licensee paying the great majority of amount in dispute.
- Represented Internet communications client in corporate governance and minority shareholder buy-out arbitration. Obtained favorable buy-out terms for client.
- Represented American investor in minority shareholder oppression arbitration proceeding against Canadian shareholder. Obtained favorable award in arbitration and confirmed award in U.S. federal court, pursuant to the New York Convention.
- Successfully represented e-commerce client in unfair competition and Internet trade secret arbitration. Obtained a dismissal of parallel suit in U.S. federal court seeking to enjoin the arbitration.
- Successfully appealed refusal to compel arbitration on behalf of manufactured housing client. Texas state appellate court reversed the trial court and compelled arbitration under the U.S. Federal Arbitration Act.
- Represented financial services client in commercial arbitration proceedings for breach of fiduciary duty and unfair competition claims, including anti-suit injunction proceedings seeking to enjoin parallel lawsuits brought in violation of arbitration clause.

LITIGATION ADVOCACY EXPERIENCE

- American litigation experience includes a variety of commercial and corporate topics, including breach of contract, stock options, securities fraud, litigation for

corporate control, minority shareholder oppression, insurance coverage, pipeline services, international petroleum development, unfair competition, securities fraud, international nano-technology development, international trademark licensing, trademark infringement, patent infringement, and trade secrets.

- Represented inventor and seller of lighting equipment in complex trademark and patent infringement suit seeking to shut down sales of client's new flagship product. Obtained a settlement giving client ability to continue sales and a cessation of opposing party's trademark infringement.
- Represented importer of steel mill in federal court litigation regarding environmental import controls. Obtained a TRO against the Department of Homeland Security's order requiring importing ship to return to port of origin. Obtained a settlement giving client opportunity to successfully remedy issue and import the steel mill in question.
- Represented international honey importer in complex, multi-party litigation in federal court, involving over \$100 million worth of claims for false designation of origin. Obtained a confidential settlement, with client paying smallest settlement of all defendants.
- Represented client in federal court litigation with formulation co-developer in trade secret, trademark, and international licensing dispute. Obtained a TRO and injunction against international trademark infringement and interference with international licensees. Obtained a settlement giving client ownership of all intellectual property in controversy.
- Represented client in federal court litigation involving trade secrets and copyright of geophysical oil and gas related software. Counter-party sought to enjoin all North American and Chinese licensing of software. Obtained a settlement giving client ownership of all technology at controversy.
- Represented investors in Texas state court litigation regarding Colombian petroleum development project. Obtained a confidential settlement on behalf of clients.
- Represented investor in complex federal receivership proceedings involving hundreds of offshore asset protection entities
- Represented former licensee in a complex trademark dispute in U.S. federal court. Obtained a confidential settlement allowing client to continue using all trademarks at issue.
- Represented client in international relocation employment contract dispute in Texas state court. Obtained jury verdict in favor of client.
- Represented dietary supplement company in biochemical patent and trademark suit in U.S. federal court. Obtained a halt of production of infringing product after a successful appeal to the U.S. Court of Appeals for the Federal Circuit.
- Obtained a dismissal of individual defendants in U.S. federal court litigation involving a beverage distributorship in Saudi Arabia.
- Represented oil services technology company in international trade secret litigation in Texas state court. Obtained a dismissal of foreign patent infringement counterclaims and a confidential settlement in favor of client

- Represented defendant in trademark infringement suit in U.S. federal court. Defeated a proposed injunction which would have halted a national new product rollout, and obtained a favorable settlement for client.
- Represented beverage company in trademark infringement suit in U.S. federal court. Obtained a jury verdict of intentional infringement of client's trademarks and an injunction halting infringement.
- Obtained a dismissal of all claims involving international carriage of goods against a transportation corporate client in Texas state court.

CORPORATE LAW EXPERIENCE

Transactional and corporate law experience includes negotiating, drafting and implementing a variety of international and domestic transactions, including joint ventures, mergers, asset and share acquisitions, corporate reorganizations, entity conversions, licensing and distribution agreements, branch office agreements, service agreements, finder's fee agreements, shareholder agreements, construction contracts, government contracting, international sales of goods and services, organizing American entities and subsidiaries for foreign businesses, corporate compliance matters for a publicly traded company, general counsel duties, as well as organization and corporate governance for limited liability companies, corporations, partnerships, limited partnerships, limited liability partnerships, professional corporations and professional associations.

MEMBERSHIPS

- Member - Chartered Institute of Arbitrators (MCIArb)
- Houston Bar Association (Corporate Counsel and International Law sections)
- State Bar of Texas (Business Law and International Law sections)
- American Bar Association (Business Law, International Law and Intellectual Property Law sections)
- Member Advisory Board - South Texas College of Law - Frank Evans Center for Conflict Resolution
- Member Advisory Board - Institute for Transnational Arbitration
- Vis Moot Alumni Association
- Italy-America Chamber of Commerce
- German American Chamber of Commerce
- Turkish American Association for Business
- Houston Young Internationals Group - Former Board Member and President

SPEAKING ENGAGEMENTS

- Jagiellonian University, Civil Law Academic Society, International Sales of Goods, Krakow, Poland, 2022
- South Texas College of Law, Foundations of Effective Arbitration and Practice Implementation, and Merger & Acquisitions Arbitrations, Houston, Texas, 2022
- Eurojuris International, Use of the ICDR Rules in International Arbitration, 2019

- HBA International Section, Risk Management & Mitigation in Transnational Contracts, Houston, Texas, 2019
- HBA ADR Section, 10 Pitfalls in International Arbitration, Houston, Texas, 2019
- Texas CLE, Merger and Acquisitions Arbitrations, The Woodlands, Texas, 2018
- U.S.-China International Business Network: Chinese Judiciary Training, Principles of Arbitration in the United States, Houston Texas, 2015
- Tbilisi State University, Intensive International Arbitration Training, Tbilisi, Georgia, 2013
- TSU/NCADR ADR Conference, IBA Rules Regarding Evidence and Conflicts: The Basics, Pros, and Cons of Their Use, Tbilisi, Georgia, 2013
- Houston Bar Association, Contracts for the International Sales of Goods, Houston, Texas, 2013
- EastWest Bank, Mediation, Arbitration, and Commercial Contracts, Houston, Texas, 2013
- International Section HBA, U.N. Convention on Contracts for the International Sales of Goods, Houston, Texas, 2013
- Center for International Legal Studies, Guidelines and Soft Law in International Arbitration, Salzburg, Austria, 2012
- Chartered Institute of Arbitrators YMG Meeting, Trends in International Arbitration - Presentation of Evidence, Dublin, Ireland, 2011
- NAFTA 2022 Meeting, Drafting Multi-Tier ADR Clauses, Houston, Texas, 2010

LANGUAGES

English (native)
Italian (conversational)
Russian (working knowledge)
Spanish (working knowledge)

KEARNEY MCWILLIAMS & DAVIS

ATTORNEYS AT LAW

Houston: 55 Waugh, Ste. 150, Houston, TX 77007-6033
Phone: (713) 936-9620 Fax: (713) 936-9621

Denver: 1625 Broadway, Ste. 2950, Denver, CO 80202-4711
Phone: (720) 863-4012 Fax: (720) 863-4012

Mario Scorza
2209 W. Bayshore Dr.
Palacios, TX 77465-1455
marumberto@aol.com

January 31, 2021
25037-1

Re: Lawsuit
Mario Scorza

Fees:	Hours	Amount
01/26/21 WCY Reviewing documents; corresponding with client; gathering information for suit	1.6	\$640.00
Hours:	1.6	
Total fees:		\$640.00

Attorney Summary

WCY William Yarbrough	1.6 hours at \$400.00 per hour
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Billing Summary

Previous balance	\$0.00
Payments & adjustments	0.00
Current fees & expenses	640.00
Total now due	\$640.00

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$640.00	\$0.00	\$0.00	\$0.00	\$640.00
Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$640.00	\$0.00	\$0.00	\$0.00	\$640.00

Matter No. 25037-1
Mario Scorza
Lawsuit

January 31, 2021
Page 2

Charges To Date

Fees	\$640.00
Expenses	0.00
Total	\$640.00
Payments	\$0.00

- * Checks are preferred, scanned to admin@kmd.law or mailed to 55 Waugh #150, Houston, TX 77007-6033
- * Zelle to Inception Law at 713-936-9620
- * ACH/Wire \$USD to Inception Law: Acct 586016183532; Routing 111000025; Wire 026009593; SWIFT BOFAUS3N
- * Bill.com ID: 0162733714595373, www.bill.com/network/kmdlaw

KEARNEY McWILLIAMS & DAVIS

ATTORNEYS AT LAW

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Phone: (720) 863-4012 Fax: (720) 863-4012

Mario Scorza
2209 W. Bayshore Dr.
Palacios, TX 77465-1455
marumberto@aol.com

February 28, 2021
25037-1

Re: Lawsuit
Mario Scorza

Fees:		Hours	Amount
02/09/21	BAN Review Client-supplied documents and Consumer Protection Rules promulgated by the American Arbitration Association regarding propounding a demand for arbitration upon Davison pursuant to Client's previous written contract with same	1.0	\$300.00
02/15/21	WCY Reviewing arbitration procedure and informing client as to lawsuit alternative	0.4	\$160.00
	Hours:	1.4	
	Total fees:		\$460.00

Attorney Summary

WCY	William Yarbrough	0.4 hours at \$400.00 per hour
BAN	Bradley Nevills	1.0 hours at \$300.00 per hour

Matter No. 25037-1
 Mario Scorza
 Lawsuit

February 28, 2021
 Page 2

Billing Summary

Previous balance	\$640.00
Payments & adjustments	0.00
Current fees & expenses	460.00
Total now due	\$1,100.00

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$1,100.00	\$0.00	\$0.00	\$0.00	\$1,100.00
Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$1,100.00	\$0.00	\$0.00	\$0.00	\$1,100.00

Charges To Date

Fees	\$1,100.00
Expenses	0.00
Total	\$1,100.00
Payments	\$0.00

* Checks are preferred, scanned to admin@kmd.law or mailed to 55 Waugh #150,
 Houston, TX 77007-6033

* Zelle to Inception Law at 713-936-9620

* ACH/Wire \$USD to Inception Law: Acct 586016183532; Routing 111000025; Wire
 026009593; SWIFT BOFAUS3N

* Bill.com ID: 0162733714595373, www.bill.com/network/kmdlaw

KEARNEY MCWILLIAMS & DAVIS

ATTORNEYS AT LAW

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Mario Scorza
2209 W. Bayshore Dr.
Palacios, TX 77465-1455
marumberto@aol.com

March 31, 2021
25037-1

Re: Lawsuit
Mario Scorza

Billing Summary

Previous balance	\$1,100.00
Payments & adjustments	0.00
Current fees & expenses	0.00
Total now due	\$1,100.00

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$0.00	\$460.00	\$640.00	\$0.00	\$1,100.00
Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$460.00	\$640.00	\$0.00	\$1,100.00

Charges To Date

Fees	\$1,100.00
Expenses	0.00
Total	\$1,100.00
Payments	\$0.00

* Checks are preferred, scanned to admin@kmd.law or mailed to 55 Waugh #150, Houston, TX 77007-6033

* Zelle to Inception Law at 713-936-9620

* ACH/Wire \$USD to Inception Law: Acct 586016183532; Routing 111000023; Wire 026009593; SWIFT BOFAUS3N

* Bill.com ID: 0162733714595373, www.bill.com/network/kmdlaw

KEARNEY MCWILLIAMS & DAVIS

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Mario Scorza
2209 W. Bayshore Dr.
Palacios, TX 77465-1455
marumberto@aol.com

April 30, 2021
25037-1

Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
04/28/21	BAN	Draft Plaintiff's Original Petition for use with Client's Demand for Arbitration; Review all communications and information received by Client in preparation of same	3.4	\$1,020.00
04/28/21	WCY	Editing complaint	0.4	\$160.00
04/30/21	WCY	Reviewing complaint and sending to client	0.7	\$280.00
			Hours:	4.5
			Total fees:	\$1,460.00

Attorney Summary

WCY	William Yarbrough	1.1 hours at \$400.00 per hour
BAN	Bradley Nevills	3.4 hours at \$300.00 per hour

Billing Summary

Previous balance	\$1,100.00
Payments & adjustments	0.00
Current fees & expenses	1,460.00
Total now due	\$2,560.00

Exhibit 3

Matter No. 25037-1
 Mario Scorza
 Lawsuit

April 30, 2021
 Page 2

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$1,460.00	\$0.00	\$1,100.00	\$0.00	\$2,560.00
Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$1,460.00	\$0.00	\$1,100.00	\$0.00	\$2,560.00

Charges To Date

Fees	\$2,560.00
Expenses	0.00
Total	\$2,560.00
Payments	\$0.00

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 Houston, TX 77007-6033

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Mario Scorza
2209 W. Bayshore Dr.
Palacios, TX 77465-1455
marumberto@aol.com

May 31, 2021
25037-1

Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
05/12/21	WCY	Making final edits to complaint	0.7	\$280.00
05/24/21	SB	Review and revise Arbitration Petition; telephone conference regarding same.	0.4	\$160.00
05/25/21	WCY	Making final edits and final review	0.5	\$200.00
05/27/21	SB	Conference regarding arbitration filing, damages, and expert witnesses.	0.4	\$160.00
05/28/21	WCY	Reviewing documents and communicating with client	0.3	\$120.00
Hours:			2.3	
Total fees:				\$920.00

Attorney Summary

WCY	William Yarbrough	1.5 hours at \$400.00 per hour
SB	Stacey L Barnes	0.8 hours at \$400.00 per hour

Payments & Adjustments:

05/28/21	Check No. 3711	\$1,460.00 CR
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Exhibit 3

Matter No. 25037-1
 Mario Scorza
 Lawsuit

May 31, 2021
 Page 2

Total payments & adjustments:

\$1,460.00 CR

Billing Summary

Previous balance	\$2,560.00
Payments & adjustments	1,460.00 CR
Current fees & expenses	920.00
Total now due	\$2,020.00

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$2,020.00	\$0.00	\$0.00	\$0.00	\$2,020.00
Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$2,020.00	\$0.00	\$0.00	\$0.00	\$2,020.00

Charges To Date

Fees	\$3,480.00
Expenses	0.00
Total	\$3,480.00
Payments	\$1,460.00 CR

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Checks are preferred, regular mail or scanned to admin@kmd.law

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Mario Scorza
2209 W. Bayshore Dr.
Palacios, TX 77465-1455
marumberto@aol.com

June 30, 2021

25037-1

Re: Lawsuit
Mario Scorza

Billing Summary

Previous balance	\$2,020.00
Payments & adjustments	0.00
Current fees & expenses	0.00
Total now due	\$2,020.00

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$0.00	\$2,020.00	\$0.00	\$0.00	\$2,020.00
Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$2,020.00	\$0.00	\$0.00	\$2,020.00

Charges To Date

Fees	\$3,480.00
Expenses	0.00
Total	\$3,480.00
Payments	\$1,460.00 CR

KEARNEY McWILLIAMS & DAVIS

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Mario Scorza
 2209 W. Bayshore Dr.
 Palacios, TX 77465-1455
 marumberto@aol.com

July 31, 2021
 25037-1

Re: Lawsuit
 Mario Scorza

Fees:	Hours	Amount
07/06/21 BAN Finalize and file Plaintiff's Original Petition and Demand for Arbitration with the American Arbitration Association; Draft corresponding letter demand to Davison Design & Development, Inc.; Conference with Attorney Yarbrough regarding same	1.6	\$480.00
07/16/21 WCY Confirming demand amount and filing status; accessing damages; communicating with client	0.8	\$320.00
07/23/21 WCY Reviewing AAA schedule and required documents; reviewing emails; confirming conference	0.4	\$160.00
Hours: Total fees:	2.8	\$960.00

Attorney Summary

WCY	William Yarbrough	1.2 hours at \$400.00 per hour
BAN	Bradley Nevills	1.6 hours at \$300.00 per hour

Matter No. 25037-1
 Mario Scorza
 Lawsuit

July 31, 2021
 Page 2

Expenses:

07/19/21	BAN	Fee for filing Plaintiff's Original Petition against Davison Design & Development with American Arbitration Association	\$1,925.00
Total expenses:			\$1,925.00

Billing Summary

Previous balance	\$2,020.00
Payments & adjustments	0.00
Current fees & expenses	2,885.00
Total now due	\$4,905.00

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$960.00	\$920.00	\$1,100.00	\$0.00	\$2,980.00
Expenses	\$1,925.00	\$0.00	\$0.00	\$0.00	\$1,925.00
Total	\$2,885.00	\$920.00	\$1,100.00	\$0.00	\$4,905.00

Charges To Date

Fees	\$4,440.00
Expenses	1,925.00
Total	\$6,365.00
Payments	\$1,460.00 CR

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Mario Scorza
 2209 W. Bayshore Dr.
 Palacios, TX 77465-1455
 marumberto@aol.com

August 31, 2021
 25037-1

Re: Lawsuit
 Mario Scorza

Fees:	Hours	Amount
08/06/21 WCY AAA call with Justin Barron, George Crompton and BN	0.5	\$200.00
08/06/21 WCY Filing conflict check	0.3	\$120.00
Hours:	0.8	
Total fees:		\$320.00

Attorney Summary

WCY	William Yarbrough	0.8 hours at \$400.00 per hour
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Billing Summary

Previous balance	\$4,905.00
Payments & adjustments	0.00
Current fees & expenses	320.00
Total now due	\$5,225.00

Matter No. 25037-1
 Mario Scorza
 Lawsuit

August 31, 2021
 Page 2

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$320.00	\$960.00	\$0.00	\$2,020.00	\$3,300.00
Expenses	\$0.00	\$1,925.00	\$0.00	\$0.00	\$1,925.00
Total	\$320.00	\$2,885.00	\$0.00	\$2,020.00	\$5,225.00

Charges To Date

Fees	\$4,760.00
Expenses	1,925.00
Total	\$6,685.00
Payments	\$1,460.00 CR

KEARNEY McWILLIAMS & DAVIS

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Mario Scorza
2209 W. Bayshore Dr.
Palacios, TX 77465-1455
marumberto@aol.com

September 30, 2021
25037-1

Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
09/07/21	WCY	Reviewing potential arbitrators education, experience and background; ranking arbitrators	0.7	\$280.00
09/17/21	WCY	Reviewing arbitrator selection; informing client of selection, AAA invoice and upcoming pre-hearing	0.4	\$160.00
09/24/21	WCY	Scheduling arbitration Preliminary Hearing Conference	0.3	\$120.00
09/28/21	SB	Prepare and forward Arbitrator Rankings; review arbitrator CV's for same; telephone conference regarding same.	1.2	\$480.00
			Hours:	2.6
			Total fees:	\$1,040.00

Attorney Summary

WCY	William Yarbrough	1.4 hours at \$400.00 per hour
SB	Stacey L Barnes	1.2 hours at \$400.00 per hour

Matter No. 25037-1
 Mario Scorza
 Lawsuit

September 30, 2021
 Page 2

Payments & Adjustments:

09/25/21	Check No. 3738	\$1,440.00 CR
Total payments & adjustments:		\$1,440.00 CR

Billing Summary

Previous balance	\$5,225.00
Payments & adjustments	1,440.00 CR
Current fees & expenses	1,040.00

Total now due	\$4,825.00
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Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$1,360.00	\$0.00	\$960.00	\$580.00	\$2,900.00
Expenses	\$0.00	\$0.00	\$1,925.00	\$0.00	\$1,925.00
Total	\$1,360.00	\$0.00	\$2,885.00	\$580.00	\$4,825.00

Charges To Date

Fees	\$5,800.00
Expenses	1,925.00
Total	\$7,725.00
Payments	\$2,900.00 CR

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Mario Scorza
 2209 W. Bayshore Dr.
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 marumberto@aol.com

October 31, 2021
 25037-1

Re: Lawsuit
 Mario Scorza

Fees:			Hours	Amount
10/01/21	WCY	Call with arbitrator and opposing counsel	0.8	\$320.00
10/06/21	WCY	Confirming Davison receipt of settlement; reviewing arbitration documents	0.4	\$160.00
10/29/21	MC	Received Respondent's First Set of Discovery Requests for Production and Answers to Interrogatories, saved to client file and began drafting responses	0.4	\$50.00
10/31/21	MC	Continued to draft responses to First Set of Discovery Requests for Production and Answers to Interrogatories	0.4	\$50.00
			Hours:	2.0
			Total fees:	\$580.00

Attorney Summary

WCY	William Yarbrough	1.2 hours at \$400.00 per hour
MC	Marisol Contreras	0.8 hours at \$125.00 per hour

Exhibit 3

Matter No. 25037-1
 Mario Scorza
 Lawsuit

October 31, 2021
 Page 2

Expenses:

10/11/21	ADC	American Arbitration Association Case #01-21-0004-6369-1-SD	\$1,440.00
Total expenses:			\$1,440.00

Billing Summary

Previous balance	\$4,825.00
Payments & adjustments	0.00
Current fees & expenses	2,020.00
Total now due	\$6,845.00

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$1,620.00	\$320.00	\$960.00	\$580.00	\$3,480.00
Expenses	\$1,440.00	\$0.00	\$1,925.00	\$0.00	\$3,365.00
Total	\$3,060.00	\$320.00	\$2,885.00	\$580.00	\$6,845.00

Charges To Date

Fees	\$6,380.00
Expenses	3,365.00
Total	\$9,745.00
Payments	\$2,900.00 CR

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Mario Scorza
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 marumberto@aol.com

November 30, 2021
 25037-1

Re: Lawsuit
 Mario Scorza

Fees:			Hours	Amount
10/01/21	SB	Prepare for and attend Initial Hearing; review all materials and filings for same	1.4	\$560.00
11/29/21	MC	Revised discovery responses to requests for document production and interrogatories in preparation for delivery to client; delivered to client via email	4.5	\$562.50
11/29/21	WCY	Providing answers for interrogatories; defining dates and comparable products	1.0	\$400.00
			Hours:	6.9
			Total fees:	\$1,522.50

Attorney Summary

SB	Stacey L Barnes	1.4 hours at \$400.00 per hour
WCY	William Yarbrough	1.0 hours at \$400.00 per hour
MC	Marisol Contreras	4.5 hours at \$125.00 per hour

Matter No. 25037-1
 Mario Scorza
 Lawsuit

November 30, 2021
 Page 2

Billing Summary

Previous balance	\$6,845.00
Payments & adjustments	0.00
Current fees & expenses	1,522.50
Total now due	\$8,367.50

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$1,522.50	\$1,620.00	\$320.00	\$1,540.00	\$5,002.50
Expenses	\$0.00	\$1,440.00	\$0.00	\$1,925.00	\$3,365.00
Total	\$1,522.50	\$3,060.00	\$320.00	\$3,465.00	\$8,367.50

Charges To Date

Fees	\$7,902.50
Expenses	3,365.00
Total	\$11,267.50
Payments	\$2,900.00 CR

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Zelle: Inception Law at 7139369620 or admin@kmd.law

Mario Scorza
2209 W. Bayshore Dr.
Palacios, TX 77465-1455
marumberto@aol.com

December 31, 2021
25037-1

Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
12/07/21	MC	Created initial drafts of Requests for Document Production and Interrogatories to be delivered to Scorza; delivered initial draft to attorney Barnes for review and revisions	1.2	\$150.00
12/08/21	MC	Revised answers to Interrogatories in preparation for production	0.4	\$50.00
12/13/21	WCY	Scheduling meeting; verifying answers to interrogatories for completeness and accuracy	0.5	\$200.00
12/14/21	HGL	Drafting discovery interrogatories and requests for production	2.6	\$260.00
Hours:			4.7	
Total fees:				\$660.00

Attorney Summary

WCY	William Yarbrough	0.5 hours at \$400.00 per hour
MC	Marisol Contreras	1.6 hours at \$125.00 per hour
HGL	Harrison Long	2.6 hours at \$100.00 per hour

Matter No. 25037-1
 Mario Scorza
 Lawsuit

December 31, 2021
 Page 2

Billing Summary

Previous balance	\$8,367.50
Payments & adjustments	0.00
Current fees & expenses	660.00
Total now due	\$9,027.50

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$660.00	\$1,522.50	\$580.00	\$2,900.00	\$5,662.50
Expenses	\$0.00	\$0.00	\$1,440.00	\$1,925.00	\$3,365.00
Total	\$660.00	\$1,522.50	\$2,020.00	\$4,825.00	\$9,027.50

Charges To Date

Fees	\$8,562.50
Expenses	3,365.00
Total	\$11,927.50
Payments	\$2,900.00 CR

KEARNEY MCWILLIAMS & DAVIS

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Mario Scorza
2209 W. Bayshore Dr.
Palacios, TX 77465-1455
marumberto@aol.com

January 31, 2022
25037-1

Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
12/13/21	SB	Prepare for and attend Hearing on status and additional discovery	1.7	\$722.50
12/14/21	SB	Prepare, revise and forward Requests for Production to Defendant; revise and forward Interrogatories	4.7	\$1,997.50
01/07/22	VP	Reach out to consulting experts; email consulting expert company information for conflict check	0.7	\$70.00
01/21/22	WCY	Call discussing expert witness and litigation	0.5	\$212.50
01/28/22	WCY	Call with damages expert witnesses	1.3	\$552.50
			Hours:	8.9
			Total fees:	\$3,555.00

Attorney Summary

SB	Stacey L Barnes	6.4 hours at \$425.00 per hour
WCY	William Yarbrough	1.8 hours at \$425.00 per hour
VP	Vikesh Patel	0.7 hours at \$100.00 per hour

Exhibit 3

Matter No. 25037-1
 Mario Scorza
 Lawsuit

January 31, 2022
 Page 2

Billing Summary

Previous balance	\$9,027.50
Payments & adjustments	0.00
Current fees & expenses	3,555.00
Total now due	\$12,582.50

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$4,215.00	\$0.00	\$1,522.50	\$3,480.00	\$9,217.50
Expenses	\$0.00	\$0.00	\$0.00	\$3,365.00	\$3,365.00
Total	\$4,215.00	\$0.00	\$1,522.50	\$6,845.00	\$12,582.50

Charges To Date

Fees	\$12,117.50
Expenses	3,365.00
Total	\$15,482.50
Payments	\$2,900.00 CR

KEARNEY McWILLIAMS & DAVIS

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Mario Scorza
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February 28, 2022
25037-1

Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
01/06/22	SB	Correspondence and conference regarding expert witnesses on damages.	0.9	\$382.50
01/18/22	SB	Correspondence and telephone conference regarding damages expert.	0.5	\$212.50
02/04/22	SB	Attention to Scheduling Order; correspondence regarding same; outline prosecution scheduling for case.	0.4	\$170.00
02/16/22	HGL	Searching for discovery responses to see if respondent met deadline	0.3	\$30.00
02/16/22	SB	Telephone conferences with client and counsel regarding [REDACTED]	1.2	\$510.00
02/17/22	WCY	Reviewing Davison discovery files; analyzing disclosed documents for content; reviewed communications between client and Davison	1.2	\$510.00

Matter No. 25037-1
 Mario Scorza
 Lawsuit

February 28, 2022
 Page 2

02/21/22	WCY	Communicating with client; communicating with damages experts and Attorney Barnes as to required information and patent expert witness	0.4	\$170.00
02/22/22	ADC	Prepare Power of Attorneys for U.S. Provisional Patent Application Nos. 62601218 and 62710055; forward same to client for digital signature; archive client file with same	0.3	\$49.50
02/25/22	WCY	Reviewing patentability report; call discussing results with search firm	0.6	\$255.00
02/27/22	WCY	Call with Attorney Barnes; communicating with patent expert; reviewing patentability search; informing client; sending report to patent expert	0.4	\$170.00
		Hours:	6.2	
		Total fees:		\$2,459.50

Attorney Summary

SB	Stacey L Barnes	3.0 hours at \$425.00 per hour
WCY	William Yarbrough	2.6 hours at \$425.00 per hour
ADC	Andrea Cavazos	0.3 hours at \$165.00 per hour
HGL	Harrison Long	0.3 hours at \$100.00 per hour

Payments & Adjustments:

03/07/22	Check No. 1007	\$3,555.00 CR
	Total payments & adjustments:	\$3,555.00 CR

Matter No. 25037-1
 Mario Scorza
 Lawsuit

February 28, 2022
 Page 3

Billing Summary

Previous balance	\$12,582.50
Payments & adjustments	3,555.00 CR
Current fees & expenses	2,459.50

Total now due	\$11,487.00
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Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$2,459.50	\$3,555.00	\$660.00	\$4,812.50	\$11,487.00
Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$2,459.50	\$3,555.00	\$660.00	\$4,812.50	\$11,487.00

Charges To Date

Fees	\$14,577.00
Expenses	3,365.00
Total	\$17,942.00
Payments	\$6,455.00 CR

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Mario Scorza
2209 W. Bayshore Dr.
Palacios, TX 77465-1455
marumberto@aol.com

March 31, 2022
25037-1

Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
03/01/22	ADC	Receipt of signed Powers of Attorney for U.S. Patent Application Nos. 62710055 and 62601218 from client; finalize and file same with the USPTO; report same to client; archive client file with same	0.3	\$49.50
03/03/22	ADC	Receipt and review of correspondence received from patentability search firm; forward invoice to accounting for processing; archive client file with same	0.2	\$33.00
03/03/22	VP	Prepare files and send to expert witness	0.2	\$20.00
03/04/22	WCY	Reviewing expert report requirements; communicating with patentability expert witness as to report content	0.3	\$127.50
03/07/22	WCY	Receiving POAs, accessing provisionals and forwarding to SM (patentability expert witness)	0.3	\$127.50

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Mario Scorza
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March 31, 2022
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03/08/22	WCY	Reviewing expert report; providing comments and questions	4.0	\$1,700.00
03/09/22	WCY	Contacting Damages Expert, Dr. Lehrer; providing background and documents	1.1	\$467.50
03/09/22	SB	Telephone conference with K. Lehrer regarding Expert Report; correspondence regarding same.	0.7	\$297.50
03/11/22	WCY	Researching opposing counsel supplied documents to provide for patentability search expert, SM, and corresponding documents to damages expert, K. Lehrer	1.2	\$510.00
03/11/22	SB	Conference with K. Lehrer regarding Expert Report.	0.6	\$255.00
03/13/22	WCY	Researching scales manufacturers and market figures; call with damages expert KL	0.4	\$170.00
03/14/22	WCY	Reviewing patent expert report for completeness, inclusion and content; corresponding with patentability expert SM	0.3	\$127.50
03/14/22	WCY	Reviewing expert damages report, communicating comments, providing supporting information	0.3	\$127.50
03/14/22	VP	Research on portable scale market; [REDACTED]	1.0	\$100.00
03/15/22	VP	[REDACTED] report, preparation of exhibits and finalize [REDACTED]; send out report to arbitrator	2.1	\$210.00

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 Mario Scorza
 Lawsuit

March 31, 2022
 Page 3

03/15/22	WCY	Analyzing expert report; designating exhibits; providing comments	1.0	\$425.00
03/15/22	SB	Review McBride Patent Expert Report; correspondence regarding same; finalize and file Expert Reports	0.7	\$297.50
03/23/22	MC	Received retainer correspondence from Lehrer Financial, saved to client file and emailed attorney Barnes	0.1	\$14.00
			Hours:	14.8
			Total fees:	\$5,059.00

Attorney Summary

WCY	William Yarbrough	8.9 hours at \$425.00 per hour
SB	Stacey L Barnes	2.0 hours at \$425.00 per hour
ADC	Andrea Cavazos	0.5 hours at \$165.00 per hour
MC	Marisol Contreras	0.1 hours at \$140.00 per hour
VP	Vikesh Patel	3.3 hours at \$100.00 per hour

Expenses:

03/03/22	ADC	Techson IP, LLC Invoice No. 2386	\$900.00
Total expenses:			\$900.00

Payments & Adjustments:

04/07/22	Check 1082	\$2,459.50 CR
Total payments & adjustments:		\$2,459.50 CR

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 Mario Scorza
 Lawsuit

March 31, 2022
 Page 4

Billing Summary

Previous balance	\$11,487.00
Payments & adjustments	2,459.50 CR
Current fees & expenses	5,959.00
Total now due	\$14,986.50

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$7,518.50	\$0.00	\$4,215.00	\$2,353.00	\$14,086.50
Expenses	\$900.00	\$0.00	\$0.00	\$0.00	\$900.00
Total	\$8,418.50	\$0.00	\$4,215.00	\$2,353.00	\$14,986.50

Charges To Date

Fees	\$19,636.00
Expenses	4,265.00
Total	\$23,901.00
Payments	\$8,914.50 CR

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April 30, 2022
25037-1

Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
04/01/22	ADC	Receipt and review of letter received from Dr. Kenneth Eugene Lehrer regarding retainer invoice; forward same to accounting for processing; archive client file with same	0.1	\$16.50
04/15/22	WCY	Confirming revised date and expert depositions date	0.2	\$85.00
04/20/22	VP	Research into various valuation methods of patent for damages; identifying market comparable for valuation and projecting possible earnings	2.1	\$210.00
04/22/22	WCY	Call with damages expert discussing scale manufactures and valuation	0.4	\$170.00
04/22/22	WCY	Reviewing weight scale report	0.2	\$85.00
04/23/22	WCY	Reviewing industry report in terms of revenue, market share, potential growth and historical revenues	0.6	\$255.00

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 Mario Scorza
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April 30, 2022
 Page 2

04/25/22	WCY	Call with Ken Lehrer discussing valuation	0.5	\$212.50
		Hours:	4.1	
		Total fees:		\$1,034.00

Attorney Summary

WCY	William Yarbrough	1.9 hours at \$425.00 per hour
ADC	Andrea Cavazos	0.1 hours at \$165.00 per hour
VP	Vikesh Patel	2.1 hours at \$100.00 per hour

Expenses:

04/01/22	ADC	Dr. Kenneth Eugene Lehrer - Lehrer Financial and Economic Advisory Services - Retainer Invoice	\$5,000.00
04/13/22	ADC	J. Scott McBride Invoice No. KMD04052022	\$1,560.00
		Total expenses:	\$6,560.00

Payments & Adjustments:

05/05/22	Wire Confirmation #: 3723062108	\$5,000.00 CR
	Total payments & adjustments:	\$5,000.00 CR

Billing Summary

Previous balance	\$14,986.50
Payments & adjustments	5,000.00 CR
Current fees & expenses	7,594.00
Total now due	\$17,580.50

Matter No. 25037-1
 Mario Scorza
 Lawsuit

April 30, 2022
 Page 3

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$6,093.00	\$2,459.50	\$1,568.00	\$0.00	\$10,120.50
Expenses	\$7,460.00	\$0.00	\$0.00	\$0.00	\$7,460.00
Total	\$13,553.00	\$2,459.50	\$1,568.00	\$0.00	\$17,580.50

Charges To Date

Fees	\$20,670.00
Expenses	10,825.00
Total	\$31,495.00
Payments	\$13,914.50 CR

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May 31, 2022
25037-1

Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
04/18/22	SB	Conferences regarding mediation, damages, damage expert report; correspondence regarding same	0.4	\$170.00
04/20/22	SB	Telephone conference regarding valuation methods	0.3	\$127.50
04/23/22	SB	Correspondence and review of Industry Report for valuation issues	0.4	\$170.00
04/25/22	SB	Telephone conference regarding Expert valuation of damages	0.5	\$212.50
05/10/22	WCY	Call with damages expert discussing damages determination model, timeline to construct and proposed content; discussed upcoming hearing and potential for abatement	1.0	\$425.00
05/10/22	SB	Extended conference with damages expert witness and counsel regarding damages model and case preparation	1.8	\$765.00

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Mario Scorza
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May 31, 2022
Page 2

05/12/22	VP	Letter of deficiency; review opposing counsel's answers to discovery questions	1.4	\$175.00
05/12/22	SB	Revise correspondence regarding discovery deficiencies	0.7	\$297.50
05/16/22	VP	Corporate representative subpoena	0.4	\$50.00
05/16/22	WCY	Reviewing Respondent's Hearing Brief for content and arguments	0.4	\$170.00
05/16/22	SB	Correspondence regarding corporate representative deposition and designation; conference regarding subpoena request; file Request for Extension of Time for Pre-Hearing Brief	1.4	\$595.00
05/17/22	VP	Revise deficiency letter and send	0.1	\$12.50
05/17/22	WCY	Call with client; reviewing additional FTC case from 2008 for fine reduction in addition to the 2006 case and several resolved and co-pending cases	0.3	\$127.50
05/17/22	SB	Finalize and forward correspondence regarding discovery deficiencies	0.2	\$85.00
05/18/22	VP	FTC case summary write up; research into unenforceability of no liability clauses	1.7	\$212.50
05/18/22	SB	Prepare and file Response to Opposition to Extension of Time; research rules and case law regarding same	2.4	\$1,020.00
05/19/22	VP	Research of the elements for the	1.2	\$150.00

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May 31, 2022
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		causes of actions for brief		
05/20/22	WCY	Constructing Hearing Brief; editing content; confirming and delineating timeline; reviewing interrogatories and production for email and phone record content	5.0	\$2,125.00
05/20/22	SB	Prepare and file Witness List Designation; outline Pre-Hearing Brief	1.7	\$722.50
05/21/22	WCY	Constructing Hearing Brief; researching legal arguments; combining and correlating facts with elements of legal causes of action	4.9	\$2,082.50
05/21/22	SB	Prepare Claimant's Pre-Hearing Brief; review factual background materials; conference regarding same	2.2	\$935.00
05/22/22	WCY	Final review of Hearing Brief	0.3	\$127.50
05/22/22	WCY	Finally reviewing Pre-Hearing Brief Review with additional arguments and content	0.7	\$297.50
05/23/22	VP	Upload and save files from arbitrator to client folder; revise and edit pre-brief - prepare exhibits and citations	2.8	\$350.00
05/23/22	SB	Prepare, revise, and file Claimant's Pre-Hearing Brief; legal research regarding exculpatory clause and enforceability issues	4.4	\$1,870.00
05/24/22	VP	Review client documents and opposing counsel submission of	2.0	\$250.00

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 Mario Scorza
 Lawsuit

May 31, 2022
 Page 4

		evidence; preparation of exhibit list; prepare and label exhibits; send exhibit list to arbitrator; upload and send exhibits to opposing counsel; download and save opposing counsel exhibits		
05/24/22	WCY	Final Pre-Brief Hearing review	0.9	\$382.50
05/24/22	SB	Prepare and revise Exhibit List; review documents and conference regarding same	2.7	\$1,147.50
		Hours:	42.2	
		Total fees:		\$15,055.00

Attorney Summary

SB	Stacey L Barnes	19.1 hours at \$425.00 per hour
WCY	William Yarbrough	13.5 hours at \$425.00 per hour
VP	Vikesh Patel	9.6 hours at \$125.00 per hour

Retainer:

06/01/22	Check 1090	\$32,086.00
	Retainer received:	\$32,086.00

Billing Summary

Previous balance	\$17,580.50
Payments & adjustments	0.00
Current fees & expenses	15,055.00
Retainer applied	17,580.50 CR
Total now due	\$15,055.00
Retainer balance	\$14,505.50

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 Mario Scorza
 Lawsuit

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Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$15,055.00	\$0.00	\$0.00	\$0.00	\$15,055.00
Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$15,055.00	\$0.00	\$0.00	\$0.00	\$15,055.00

Charges To Date

Fees	\$35,725.00
Expenses	10,825.00
Total	\$46,550.00
Payments	\$31,495.00 CR

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June 30, 2022
 25037-1

Re: Lawsuit
 Mario Scorza

Fees:	Hours	Amount
06/03/22 SB Multiple correspondence regarding res-setting date.	0.3	\$127.50
06/17/22 WCY Reviewing hearing date setting and acceptance of hybrid format for Nov. 3 and 4 9:30A	0.3	\$127.50
Hours:	0.6	
Total fees:		\$255.00

Attorney Summary

SB	Stacey L Barnes	0.3 hours at \$425.00 per hour
WCY	William Yarbrough	0.3 hours at \$425.00 per hour

Billing Summary

Previous balance	\$15,055.00
Payments & adjustments	0.00
Current fees & expenses	255.00
Retainer applied	14,505.50 CR
Total now due	\$804.50
Retainer balance	\$0.00

Exhibit 3

Matter No. 25037-1
 Mario Scorza
 Lawsuit

June 30, 2022
 Page 2

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$255.00	\$549.50	\$0.00	\$0.00	\$804.50
Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$255.00	\$549.50	\$0.00	\$0.00	\$804.50

Charges To Date

Fees	\$35,980.00
Expenses	10,825.00
Total	\$46,805.00
Payments	\$46,000.50 CR

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July 31, 2022
 25037-1

Re: Lawsuit
 Mario Scorza

Fees:			Hours	Amount
07/11/22	ADC	Receipt and review of AAA correspondence regarding Claimant's Deposit covering Neutral's Compensation; forward invoice to accounting for processing; archive client file with same	0.3	\$49.50
07/28/22	WCY	Accessing payment history; communicating with AAA; confirming payment	0.2	\$85.00
			Hours:	0.5
			Total fees:	\$134.50

Attorney Summary

WCY	William Yarbrough	0.2 hours at \$425.00 per hour
ADC	Andrea Cavazos	0.3 hours at \$165.00 per hour

Expenses:

07/11/22	ADC	AAA (Claimant's Deposit for Neutral's Compensation)	\$9,600.00
07/31/22	ADC	AAA Final Fee (Bill Line #13258788)	\$1,375.00

Matter No. 25037-1
 Mario Scorza
 Lawsuit

July 31, 2022
 Page 2

Total expenses: \$10,975.00

Billing Summary

Previous balance	\$804.50
Payments & adjustments	0.00
Current fees & expenses	11,109.50
Total now due	\$11,914.00

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$389.50	\$0.00	\$549.50	\$0.00	\$939.00
Expenses	\$10,975.00	\$0.00	\$0.00	\$0.00	\$10,975.00
Total	\$11,364.50	\$0.00	\$549.50	\$0.00	\$11,914.00

Charges To Date

Fees	\$36,114.50
Expenses	21,800.00
Total	\$57,914.50
Payments	\$46,000.50 CR

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August 31, 2022
 25037-1

Re: Lawsuit
 Mario Scorza

Billing Summary

Previous balance	\$11,914.00
Payments & adjustments	0.00
Current fees & expenses	0.00
Total now due	\$11,914.00

Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$0.00	\$134.50	\$255.00	\$549.50	\$939.00
Expenses	\$0.00	\$10,975.00	\$0.00	\$0.00	\$10,975.00
Total	\$0.00	\$11,109.50	\$255.00	\$549.50	\$11,914.00

Charges To Date

Fees	\$36,114.50
Expenses	21,800.00
Total	\$57,914.50
Payments	\$46,000.50 CR

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Exhibit 3

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Mario Scorza
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September 30, 2022
 25037-1

Re: Lawsuit
 Mario Scorza

Payments & Adjustments:

10/19/22	1ST NATL BANK DES:PAYMENT ID: INDN:INCEPTION LAW CO ID:1741296016 PPD PMT INFO:FROM: FIRST NATIONAL BANK MARIO UMBERTO SCORZA	\$12,500.00 CR
10/21/22	Check 1042	\$11,000.00 CR
Total payments & adjustments:		\$23,500.00 CR

Billing Summary

Previous balance	\$11,914.00
Payments & adjustments	23,500.00 CR
Current fees & expenses	0.00
Credit balance	\$11,586.00 CR

Charges To Date

Fees	\$36,114.50
Expenses	21,800.00
Total	\$57,914.50
Payments	\$69,500.50 CR

Checks preferred, scanned to admin@kmd.law

Exhibit 3

Matter No. 25037-1
Mario Scorza
Lawsuit

September 30, 2022
Page 2

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October 31, 2022
25037-1

Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
10/03/22	VNP	Meeting with expert witness and client to discuss case and obtain information for report	1.2	\$150.00
10/07/22	VNP	Review client provided information regarding [REDACTED] [REDACTED], Email client for more information	0.3	\$37.50
10/09/22	VNP	Call with expert witness regarding details of report; Send over client files to expert witness	0.4	\$50.00
10/10/22	WCY	Verifying diagrams; reviewing for manufacturing specs; reviewing client information in terms of CAD drawings, descriptive elements and capacities	0.7	\$297.50
10/10/22	VNP	Call with attorney to strategize damages model pricing	0.3	\$37.50
10/14/22	VNP	Scan and upload documents from client into client file; Review files	0.6	\$75.00
10/16/22	VNP	Conduct market research on scale	1.8	\$225.00

Exhibit 3

Matter No. 25037-1
Mario Scorza
Lawsuit

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		pricing and damages; Provide to supervising attorney for review		
10/17/22	VNP	Meeting with supervising attorney about strategy and next steps with client, damages expert, and opposing party	0.5	\$62.50
10/18/22	WCY	Communicating with OC; responding to OC; acknowledging extension	0.5	\$212.50
10/18/22	VNP	Meeting with supervising attorney regarding strategy and next steps to reschedule arbitration; Communicate with damages expert change of arbitration date and provide research on market	0.7	\$87.50
10/27/22	VNP	Reach out to opposing counsel to reschedule arbitration hearing date; Respond to opposing counsel's communication about mediation dates and suggested mediators; Confer with supervising attorney on mediator selection; Research suggested mediators	0.5	\$62.50
10/27/22	WCY	Receiving new arbitration dates; reviewing mediators and mediation dates	0.6	\$255.00
Hours:			8.1	
Total fees:				\$1,552.50

Attorney Summary

WCY	William Yarbrough	1.8 hours at \$425.00 per hour
VNP	Vikesh Patel	6.3 hours at \$125.00 per hour

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Expenses:

10/24/22	VNP	Expert witness report, first half of fee	\$6,200.00
		Total expenses:	\$6,200.00

Billing Summary

Previous balance	\$11,586.00 CR
Payments & adjustments	0.00
Current fees & expenses	7,752.50
Credit balance	\$3,833.50 CR

Charges To Date

Fees	\$37,667.00
Expenses	28,000.00
Total	\$65,667.00
Payments	\$69,500.50 CR

KEARNEY McWILLIAMS & DAVIS

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Palacios, TX 77465-1455
marumberto@aol.com

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Fees:			Hours	Amount
10/16/22	SLB	Multiple correspondence regarding economic damages expert	0.7	\$297.50
10/18/22	SLB	Multiple correspondence regarding continuance, mediation, and settlement issues	0.4	\$170.00
11/01/22	VNP	Call with expert witness to discuss expert report; Update on current report; Discuss intricacy of Daubert	0.4	\$86.00
11/01/22	WCY	Coordinating mediation and arbitration dates and availabilities	0.6	\$255.00
11/01/22	SLB	Telephone conference with economic Expert regarding report and Daubert concerns; correspondence regarding same.	0.5	\$212.50
11/10/22	SLB	Telephone conference with opposing counsel regarding Mediation.	0.4	\$170.00
11/11/22	SLB	Correspondence to arbitrator	0.3	\$127.50

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		regarding scheduling and Hearing on the Merits		
11/13/22	VNP	Review correspondence from expert witness; Research on methods to evaluate a company with no company comparable - Net Asset Methods, Berkus Method, Comparable industries, Amazon sales model; Search Harvard Business School and Kellogg case studies; Phone call with expert witness to discuss evaluating methods	1.7	\$365.50
11/13/22	SLB	Multiple correspondence regarding evaluation and damages models; telephone conference regarding same and evaluation methods.	1.6	\$680.00
11/21/22	WCY	Reviewing report layout from KL	2.1	\$892.50
11/23/22	VNP	Coordinate mediation scheduling; Set the arbitration hearing date; Inform client, expert witness, and opposing counsel of dates; Read and review expert witness report	2.4	\$516.00
11/23/22	SLB	Telephone conference and correspondence regarding Hearing on the Merits scheduling and mediation.	0.4	\$170.00
11/30/22	WCY	Reviewing and communicating with expert; responding to KL	0.5	\$212.50
		Hours:	12.0	
		Total fees:		\$4,155.00

Attorney Summary

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SLB	Stacey L Barnes	4.3 hours at \$425.00 per hour
WCY	William Yarbrough	3.2 hours at \$425.00 per hour
VNP	Vikesh Patel	4.5 hours at \$215.00 per hour

Billing Summary

Previous balance	\$3,833.50 CR
Payments & adjustments	0.00
Current fees & expenses	4,155.00

Total now due	\$321.50
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Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$321.50	\$0.00	\$0.00	\$0.00	\$321.50
Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$321.50	\$0.00	\$0.00	\$0.00	\$321.50

Charges To Date

Fees	\$41,822.00
Expenses	28,000.00
Total	\$69,822.00
Payments	\$69,500.50 CR

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December 31, 2022
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Re: Lawsuit
Mario Scorza

Fees:			Hours	Amount
12/07/22	WCY	Meeting with damages expert to discuss damages model, amounts in question, derivation of 'Monte Carlo' model 3 damages amounts based on variations in percent of market share; communicating with SB and VP to discuss damages model discuss damages model discuss damages model discuss damages model discuss damages model	2.5	\$1,062.50
12/07/22	VNP	Prepare for meeting with expert witness; Meet with expert witness and discuss report; Strategize with team for mediation	2.0	\$430.00
12/07/22	SLB	Meeting with Dr. K. Lehrer; extended conferences regarding models, international trade attorney consultation, and mediation issues	1.8	\$765.00
12/11/22	WCY	Reviewing 'Monte Carlo' methodology, figures and Amazon	0.3	\$127.50

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Date	Party	Description	Hours	Amount
		pricing; conferring with co-counsel		
12/13/22	VNP	Meeting with expert witness; Calculation and review of numbers; Prepare mediation payment and forms	3.8	\$817.00
12/13/22	WCY	Generating numbers and corresponding model for settlement	1.0	\$425.00
12/16/22	WCY	Final review of damages expert report	0.5	\$212.50
12/17/22	WCY	Reviewing economic analysis for accuracy, consistency and content	2.5	\$1,062.50
12/17/22	VNP	Review expert report; Prepare documents to send to mediator and opposing counsel	1.4	\$301.00
12/17/22	SLB	Correspondence to Mediator regarding case and mediation; select and forward materials for same.	0.5	\$212.50
12/17/22	SLB	Review draft Expert Report; multiple correspondence and telephone conferences regarding same; serve and file same	1.7	\$722.50
12/19/22	SLB	Multiple correspondence and telephone conferences regarding Expert Witness, Lehrer, preparation for Mediation, and Mediation Memorandum; outline and revise same.	1.8	\$765.00
12/19/22	VNP	Contact mediator and supply payment and gather details for mediations; Prepare mediation	1.0	\$215.00

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		memo		
12/20/22	WCY	Meeting with client; reviewing hearing brief	2.8	\$1,190.00
12/20/22	VNP	[NO CHARGE 1.7] Premediation conference; Prepare and print material for mediation; Review case files for mediation	0.0	No charge
12/20/22	SLB	Prepare for Mediation; meeting with client regarding same.	3.2	\$1,360.00
12/21/22	WCY	Reviewing fees paid, 4 contracts, Davison's Disclosure, Davison mandated disclosure, OC Prehearing brief, Our Prehearing brief, FTC judgment and related materials	2.5	\$1,062.50
12/21/22	WCY	Mediation	7.5	\$3,187.50
12/21/22	VNP	Full day mediation [8am-5pm]; Transport Client to mediation; Conduct research and assist with legal analysis during mediation	7.0	\$1,505.00
12/21/22	SVF	Prepare mediation notebook	2.8	\$448.00
12/21/22	SLB	Prepare for and attend Mediation.	7.8	\$3,315.00
		Hours:	54.4	
		Total fees:		\$19,186.00

Attorney Summary

WCY	William Yarbrough	19.6 hours at \$425.00 per hour
SLB	Stacey L Barnes	16.8 hours at \$425.00 per hour
VNP	Vikesh Patel	15.2 hours at \$215.00 per hour
SVF	Shannon V Frizzell	2.8 hours at \$160.00 per hour

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Expenses:

12/19/22	SC	Mediation Invoice 20221363	\$1,800.00
Total expenses:			\$1,800.00

Billing Summary

Previous balance	\$321.50
Payments & adjustments	0.00
Current fees & expenses	20,986.00

Total now due	\$21,307.50
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Aged Balance

	Current	31-60	61-90	Over 90	Total
Fees	\$19,507.50	\$0.00	\$0.00	\$0.00	\$19,507.50
Expenses	\$1,800.00	\$0.00	\$0.00	\$0.00	\$1,800.00
Total	\$21,307.50	\$0.00	\$0.00	\$0.00	\$21,307.50

Charges To Date

Fees	\$61,008.00
Expenses	29,800.00
Total	\$90,808.00
Payments	\$69,500.50 CR